

### **Claim 8**

The Office Action (OA) states that "Newly amended claim 8 is directed to an invention that is independent or distinct from the invention originally claimed—", and cites 37 CFR 1/142(b) and MPEP Para. 821.03.

The original invention described in allowed claims 1 and 5-7 applies to an "apparatus for joining abutting ends of relatively soft plastic conduits". Newly amended claim 8 applies to a "method for joining abutting ends of relatively soft plastic conduits". Claims 1 and 5-7 and claim 8 are **not** independent and **not** distinct. They are intimately and closely related. The only difference is the difference between an apparatus and a method.

MPEP Para. 821.03 is directed to "Claims for Different Inventions". Since subject claims define the same invention, the applicant respectfully requests that claim 8 be reinstated for consideration.

### **Claim 9 35 USC Para. 112**

The OA rejects claim 9 under 35 U. S. C. 112, first paragraph, as failing to comply with the enablement requirement. The OA states that claim 9 recites, "two half shells joined by a plurality of hinges", however, the specification of the instant application recites, "In this figure the half shell 12 and half shell 14 are joined by hinge pin 16".

However, in addition, page three of the specification, first paragraph, recites "a coupling is provided consisting of two hinged half shells that fit—"

The applicant is not quite sure what the OA's objection is. Possibly, narrowing claim 9 b) **from** "two half shells joined by a plurality of hinges with gripping means—" to "two hinged half shells with gripping means—" would overcome the objection. If so, an amendment can follow promptly.

In any case, the applicant respectfully submits that, when considering the specification as whole and the associated cited figures, even a person with low skill in the art to which it pertains could easily make and use the invention set forth in claim 9.

**Claim 9 35 USC Para. 103(a)**

The OA rejects claim 9 under 35 U. S. C. 103(a) as being unpatentable over US patent 3540758, Torres in view of US design patent D470292, Bjork.

The OA states that Torres discloses a coupling for joining abutting ends of relatively soft plastic conduit. This is **not** the case. Torres shows a flexible coupling but is mute concerning soft plastic conduit.

The OA states that Torres discloses "gripping means on a first end of the half shells, with gripping means on a second opposite end or the half shells—".

The gripping means of claim 9 is defined in the specification on page 3, first paragraph, last sentence, "The internal surfaces of the shell halves contain teeth for gripping the conduit ends.", and page 4, first paragraph, fifth sentence, "When toggle clamps **30** and **32** are actuated to close the shell halves **12** and **14** around conduits **18** and **20**, gripping teeth **22** bite into the soft plastic of conduit **18** and **20**.", and page 4, Paragraph 5, "In Fig 3C lever **36** has been rotated to a closed and locked, over center position. Half shells **12** and **14** are

rotated to fully engage conduits **18** and **20**. Gripping teeth **44** have now been forced into full penetration of conduits **18** and **20**."

Torres does not disclose any gripping teeth that penetrate into relatively soft plastic conduits.

Bjork teaches nothing about any gripping means and **does not** indicate anything about the duct, hose or conduit to which the coupler is to be applied. It therefore **cannot** be assumed that the Bjork coupler will be used with relatively soft plastic conduit.

Finally, the specification on page 2, last paragraph states, last two sentences, state, "All of these examples require preparing the conduit ends with beads, threaded adaptors, grooves and the like. Therefore, the noted techniques would not be desirable or accepted in the field of the present invention."

Torres, column 4, line 51, states "The duct sections **13** and **15** are cylindrical and the end portions thereof are defined ferrules **19**, **19a**, **98** which are preferably constructed of titanium—". Similarly, in column 8, line 12 states "The coupling used to join cylindrical duct sections **203** and **205** each of which have end portions in the form of titanium ferrules **207** and **207a**, respectively."

Torres requires **extensive preparation of the conduit ends** and therefore is unacceptable in the field of this invention. Additionally, the conduits are not made of relatively soft plastic.

Torres and Bjork serve to exemplify the novelty, usefulness and unobviousness of the invention of claim 9; namely, a coupling wherein operation of toggle clamps cause gripping teeth to penetrate and embed into, and grip abutting

ends of relatively soft plastic conduit and cause a seal to prevent leakage from the resulting joint, all of this without any modification of the abutting ends of the conduits.

Therefore, the present invention is novel over Torres and Bjork and is not obvious to anyone skilled in the art.

### **Conclusion**

For all the above reasons the applicant respectfully requests that the subject rejections be reconsidered and rendered allowable. The applicant again asks, that if any of the matter can be changed to make the claims allowable, that the examiner please assist in making the claims allowable.

Sincerely,

A handwritten signature in cursive script, appearing to read "Myrl J. Saarem".

Myrl J. Saarem

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